

April 14, 2004

RAYMOND MARTIN
18704 94 AVENUE WEST
EDMONDS WA 98020

Subject: Complaint Filed Against Richard Marin, PDC Case No. 03-489

Dear Mr. Martin:

The Public Disclosure Commission staff has reviewed your complaints, received June 19th, August 11th and September 5, 2003 alleging that Richard Marin violated RCW 42.17.

The PDC staff reviewed your allegations in light of the following statutes:

RCW 42.17.060 requires candidates to deposit all contributions received within five business days of receipt of the contribution.

RCW 42.17.080 and 42.17.090 require candidates to file frequent and detailed reports of contribution and expenditure activities.

RCW 42.17.240 and .241 require elected officials, appointed officials and candidates to file with the commission a statement of financial affairs.

In your complaint, you alleged that Richard Marin failed to timely deposit contributions within five business days of receipt in violation of RCW 42.17.060, failed to timely file reports of contributions and expenditures in violation of RCW 42.17.080 and .090 and failed to file accurate and timely annual Personal Financial Affairs Statements in violation of RCW 42.17.240 and .241.

(1) You alleged that Richard Marin accepted a \$75 contribution from the Dog and Cat Committee on March 26, 2003 and did not report the contribution until August 6, 2003, 125 days late.

- We found that Mr. Marin did accept a \$75 contribution from the Dog and Cat Committee and reported the contribution 125 days late. Mr. Marin stated that he contemplated returning the contribution before depositing it into his campaign account and reporting the deposit to the PDC. The amount of the contribution was small, and it appears to be an isolated instance. Thus, Mr. Marin will be cautioned to

deposit future contributions within five business days of receipt and no further enforcement action will be taken.

(2) You alleged that Richard Marin failed to timely file disclosure reports.

- We found that Richard Marin was a candidate for Edmonds City Council in the 2003 election and chose the full reporting option for his campaign. Mr. Marin filed ten C-4 reports covering the period December 1, 2001 through November 30, 2003 disclosing \$6,655 in contributions to his campaign and \$5,609 in expenditures. Three of the ten C-4 reports (\$1,463 or 22% in contributions and zero expenditures) were filed between 308 and 551 days late in July 2003, well before the election. Mr. Marin stated that during the two years before the 2003 election, he put his own money into the campaign account as it became available, but was unsure why he did not file C-4 reports consistently during this period. The source of all contributions prior to August 5, 2003, was Mr. Marin's personal funds. Although the C-4 reports were filed late, all contributions were reported on timely filed C-3 reports except one.

Three C-4 reports (\$1,112 or 17% in contributions and \$154 or 3% in expenditures) were filed between 5 and 35 days late in July 2003, but well before the election. The C-4 report (\$50 in contributions) that was filed five days late was a post election report. Four C-4 reports (\$4,080 or 61% in contributions and were filed timely.

Mr. Marin filed 16 C-3 reports disclosing the receipt of \$6,655 in contributions to his campaign. One C-3 report, disclosing contributions of \$825 (12%), was reported four days late on August 29, 2003, but prior to the election. All other contributions were reported timely. Mr. Marin reported \$5,609 in expenditures with \$154 (3%) reported 35 days late in July 2003.

(3) You alleged that Richard Marin failed to report a \$250 contribution from Rob Michel.

- We found that a C-3 report filed with the PDC on September 28, 2001 disclosed a \$300 contribution from Rob and Karen Michel, received and deposited on that date. We did not find evidence of additional contributions from Mr. or Mrs. Michel.

(4) You alleged that Richard Marin failed to report his income as an Edmonds city council member on his Personal Financial Affairs Statements (Form F-1).

- We found that although Mr. Marin failed to report his income from his position as an Edmonds City Council member, Mr. Marin's Form F-1 discloses his position as a city council member. The range of pay for that position is available to the public by contacting the City of Edmonds. Thus, the public was not denied this information. Mr. Marin will be reminded to include his City Council income on his F-1.

- (5) You alleged that Richard Marin overstated the amount of his Naval reserve pay on his 2001 Form F-1. You did not provide evidence that Mr. Marin overstated the amount of his Naval reserve pay on his 2001 Form F-1 and he has stated that the amount listed is correct.
- (6) You alleged that Richard Marin failed to report assets and investments on his 2001 and 2003 F-1 reports and failed to provide the address for the administrator of his mutual fund.
- We found that Mr. Marin disclosed his mutual fund stocks on his F-1 reports filed with the PDC on August 2, 1999 and April 3, 2003. Mr. Marin acknowledged that he inadvertently failed to list the mutual fund in the intervening years, citing that it is a small IRA account to which he can no longer contribute. Although he did not report this investment on every F-1 filed with the PDC, information about the investment did not change and was available to the public on the original report. Mr. Marin disclosed the address of the fund administrator on his August 7, 2003 report.
- (7) You alleged that Richard Marin failed to report R.L. Marin & Company, Inc. on his F-1 reports.
- We found that Mr. Marin disclosed this business on his August 2, 1999 and February 2, 2001 reports. Mr. Marin stated that his business has been inactive for the past two years and records from the Secretary of State, Corporations Division state that Mr. Marin let the corporate registration expire in 2002.

Even though not all of Mr. Marin's contribution and expenditure reports were filed timely, the alleged violations cited in your complaint are mitigated by the fact that the majority of Mr. Marin's contributions and expenditures were reported timely. All late reports of contributions and expenditures were disclosed to the public at least six weeks prior to the 2003 primary election (except for \$825 in contributions that was not reported until four days prior to the election). All contributions and expenditures relating to the general election were reported timely. The source of all contributions prior to August 5, 2003, was Mr. Marin's personal funds. Although the C-4 reports were filed late, all contributions were reported on timely filed C-3 reports except one. Mr. Marin will be cautioned to file complete, timely reports of his campaign activities and personal financial affairs in the future.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Richard Marin.

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If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Richard Marin Campaign